

# Legislative Fiscal Bureau

## Fiscal Note

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HF 2506 - No Contact for Convicted Sexual Abusers (LSB 6002 HV)  
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Fiscal Note Version - New  
Requested by Representative Mark Tremmel

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### **Description**

House File 2506 provides for the issuance of no-contact orders to protect victims of convicted sex offenders upon their release from prison or jail. The Bill provides that upon a filing of an affidavit by a victim or parent or guardian of a minor who is a victim, that upon the offender's release from prison or jail, the presence of or contact with the offender continues to pose a threat to the victim or the victim's family, the court shall enter a temporary no-contact order. People who violate no-contact orders are subject to summary contempt proceedings.

### **Assumptions**

1. Charge, conviction, and sentencing patterns and trends will not change over the projection period.
2. Prisoner length of stay, revocation rates, and other corrections practices and policies will not change over the projection period.
3. The law will become effective July 1, 2002. A lag of six months is assumed, from the effective date of the change in the law to the date of first entry of affected offenders into the correctional system.
4. The analysis is based on information obtained from the Adult Corrections Information System, the statewide prison database plus the Justice Data Warehouse, which includes statewide court information. Conviction and penalty information is based on FY 2001 data.
5. During FY 2001, 220 offenders were released from prison who would potentially be covered by the Bill's provisions. There were 122 offenders who received jail terms for offenses covered under the Bill. Therefore, it is possible that restraining orders against 342 people may be issued annually.
6. There is no readily available information with which to predict how many victims will choose to file for restraining orders against these offenders, who are not already doing so. Therefore, it is assumed that no more than 50.0% of the offenders will have no-contact orders issued against them. There will be 171 no-contact orders issued (50.0% of 342 offenders).
7. Approximately 7.0% of convicted domestic abuse offenders are later cited for violations of no-contact orders, based on tracking cases over a 3.5-year period.
8. Approximately 37.0% of offenders placed on the sex offender registry during 1998 had victims who were family members.
9. It is assumed that 63 (37.0%) of the estimated 171 offenders annually had family member victims. It is assumed that 4 (7.0% of 63 offenders) will be convicted of violations of no-contact orders and receive county jail sentences.
10. Offenders convicted of violations of no-contact orders will serve 32 days in the county jail. The marginal cost per day for county jails ranges from \$15 to \$25 per offender.
11. Average court costs for a restraining order range from \$20 to \$30. Average court costs for summary contempt range from \$70 to \$75. These figures include the costs of a Magistrate or District Associate Judge, court attendant, court reporter, and Clerk of Court staff.
12. The median cost per proceeding for indigent defense summary contempt is \$250.

**Correctional Impact**

House File 2506 is anticipated to increase jail admissions by two during FY 2003, and by four each year thereafter. Admissions may increase in future years as inmates covered under the Bill are released, and have no-contact orders issued against them, which they subsequently violate. Each person admitted to the county jail will serve 32 days.

**Fiscal Impact**

Total State criminal justice system costs, including costs for indigent defense and the Judicial Branch, are expected to be minimal.

Counties are expected to incur additional costs for county jail operations; however, the costs are expected to be minimal.

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Iowa Supreme Court  
Office of the State Public Defender

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/s/ Dennis C Prouty

March 4, 2002

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The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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